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Ben Elkington QC, FCI Arb

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Intellectually brilliant, approachable, charismatic and always commercial.

- Legal 500

Ben Elkington QC is an experienced and busy silk whose practice is centred on commercial litigation, including insurance and professional liability disputes, frequently with an international dimension.

He is consistently ranked in the directories as a leading silk in the fields of commercial dispute resolution, insurance, professional negligence, and property damage. He has a loyal following of clients who instruct him time and again.

A modern approach: Ben is rightly described as a "new-style silk" who has an "unstuffy approach" is "personable," "down to earth" and "the consummate professional."

Easy to work with: Ben recognises the need to provide a first rate service for both his professional and lay clients, and to work as part of a team. He has been described in the directories as "An absolute dream to work with. He is super responsive and very user-friendly." Other descriptions have included "one of the most user-friendly barristers at the Bar", "a real pleasure to work with", "fantastic to work with" and "perfect when you need a good team player." As one directory puts it: "Ben is very approachable; he just gets it."

Understanding and communicating with clients: Ben acts for a wide range of domestic and international clients. In every case he strives to understand his client and their needs, and to provide them with advice in a clear and comprehensible way. The directories state that he is "wonderful with clients" and that he "understands what commercial clients need, and can speak their language in a non-patronising way"; "He gives clear, pragmatic advice", "He has an excellent manner with clients and is very reassuring."

In depth legal analysis: Ben has an outstanding academic background: he took a Double First in Law at Cambridge and, after completing a Masters in Law in the USA, was the top ranked student in his year at Bar School. He brings intellectual vigour to his cases. This has long been recognised in the directories which over the years have described him as having "outstanding intellectual ability" and being "an excellent academic," "sharp as a tack", "highly intelligent", "intellectually brilliant"; "technically excellent", "incredibly bright," "fantastically intellectually able"; and having a "brain the size of a planet".

First rate submissions: Ben regularly appears in Court and in arbitrations, and the quality of his written and oral advocacy is well recognised. The directories report that "his oral advocacy is superb - crisp and to the point", he is "fantastic on his feet", "has the complete confidence of the bench" is "an excellent advocate" and "has judges eating out of the palm of his hand."

Ready for trial: Ben is not afraid to back his judgment and run matters to trial if that proves necessary to secure his client's objectives. He has been described as "a very good and dangerous opponent", "tenacious in cross-examination" and "a relentless



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advocate." As one directory puts it: "*He makes a difference when it comes to trial.*"

What he adds: Ben brings enthusiasm, insight, determination and sound judgment to his work. In each case he strives to achieve the best possible outcome for his clients. He acts for claimants and defendants in equal measure, which gives him a real advantage. The directories report that he is "*a man of great strategic insight*" who "*offers commercial, practical and strategic advice*" and is "*a great asset to have on your side.*"

As well as acting as an advocate and adviser, Ben acts as an arbitrator and he has also accepted instructions to act as an expert on English law. He has been called to the New York Bar and (ad hoc) to the Bar of the Cayman Islands.

Ben was previously admitted to the New York Bar and worked for Sullivan & Cromwell in Manhattan. He was a judicial assistant to the Court of Appeal. He has been an editor of Jackson & Powell on Professional Liability since 2002. He is a member of COMBAR, PNBA, LCLCBA, TECBAR and BILA.

Ben was the top placed student in his year in Bar Finals (1996). Before that he took a First in Law from Cambridge University, followed by a Masters in Law from the University of Virginia. He is a scholar of each of (i) Cambridge University; (ii) Trinity College, Cambridge; (iii) Gray's Inn; and (iv) the Inns of Court School of Law. He was one of the first of his year of call to take silk. He has a diploma in International Arbitration (CIArb).

Personal

Ben lives in London with wife and 4 teenage children. When not at work he can usually be found with his family on the Isle of Mull making camp fires in the rain, walking, and trying (and generally failing) to catch fish.

Privacy Policy

Click here for a **Privacy Policy** for Ben Elkington QC.

Transparency Statement

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Areas of Expertise

Property Damage

Much of Ben's work arises out of damage to property. He has handled multi-party claims arising out of damage to property caused by fire, flood, riot, explosion, impact, subsidence, heave and hurricane. He acts for a wide range of clients, including insurers pursuing subrogated claims or disputing coverage; companies and individuals pursuing claims against their insurer or against third parties for uninsured losses; and companies and individuals who are alleged to be responsible for damage to property.

Ben's experience in the fields of insurance, product liability and commercial disputes means that he is ideally placed to handle property damage claims and to advise on the issues that they commonly give rise to. He acted for the largest group of claimants in the Buncefield litigation, and acted for the Mayor's Office for Policing and Crime in relation to several multi-million pound claims arising out of the London Riots. Over the last few years he has helped insurers recoup millions of pounds by way of subrogated claims against third party tortfeasors.

What the directories say.

Ben has for several years been ranked in Band 1 of leading silks in the field of property damage in Chambers & Partners 2020. Current and previous entries are as follows:

"He gives legally accurate but commercial and sensible advice. Acting for both insurers and policyholders has given him great



insight and technical knowledge. He's good at client care and gives them confidence." "He can home in like a missile on what the nub of the issue is quickly." "A good courtroom advocate who is smart, likeable and robust." (Chambers & Partners 2022, Property Damage).

"He has a vast intellect combined with an ability to be approachable, client-friendly and commercially pragmatic." "He has a brain the size of a planet and is really good tactically." (Chambers & Partners 2021, Property Damage).

"Very clear and pragmatic." "He has an excellent manner with clients and is very reassuring" (Chambers & Partners 2020, Property Damage).

"The consummate professional. He has a superb intellect and is fantastic to deal with. He is an excellent advocate with superb technical knowledge and a highly responsive and commercial attitude" (Chambers & Partners 2019, Property Damage).

"Sharp as a tack, incredibly comprehensive in his approach, always on top of the papers and fun to work with." "Extremely able and has a very nice, natural style in court. He handles everything with a light touch and good humour, he is very intelligent and his written work is very good too." (Chambers & Partners, 2018, Property Damage).

"Very engaged, reliable and approachable, he's a pleasure to work with and a great asset to have on your side. Commercially aware, he's really nice to work with and really concise in his advice" (Chambers & Partners 2017, Property Damage).

"He's very quick and very smooth. He has the complete confidence of the bench and of clients." (Chambers & Partners 2016, Property Damage).

"Ben is professional and incredibly bright, and offers commercial, practical and strategic advice. He is also very responsive and an excellent team player."(Chambers & Partners 2015, Property Damage).

"Has a broad practice that encompasses professional negligence, insurance and professional liability cases. His adroit handling of all three types of claims leads sources to highlight him as a great choice for property damage work. 'He's very personable and gets on well with his clients.' 'In court he is particularly sensitive to the needs of judges, but he can also be quite tenacious with witnesses.'" (Chambers & Partners 2014, Property Damage).

Representative instructions.

Examples of Ben's recent and ongoing instructions include the following:

- Representing the owner of a metal recycling management facility in its multimillion pound claim against its insurer following a fire at its facility.
- Representing for the Mayor's Office for Policing and Crime in the defence of multi-million pound claims for compensation arising out of the London Riots.
- Acting for a high-tech manufacturer seeking compensation in arbitral proceedings for the business interruption losses it suffered following a devastating fire at its manufacturing site.
- Acting for a timber frame supplier in the defence of a multi-million pound claim arising out of a fire at a new housing development.
- Representing one of the country's leading WEEE recyclers in its claim for compensation from its insurance broker following a devastating fire at its recycling plant.
- Acting for a property developer in its multi-million pound dispute with its insurer arising out of a fire which destroyed a listed building.
- Acting for a business seeking to recover the business interruption losses it suffered as a result of the devastating fire at the iconic Mackintosh building in Glasgow.
- Representing the insurers of a Wagamama restaurant in a subrogated claim against various parties following a fire which destroyed the Wagamama restaurant in Richmond.
- Acting for a manufacturer in its multi-million pound claim against its insurer and insurance broker following the destruction of his manufacturing facility.



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Qualifications & Memberships

M.A. (Cantab.)

LL.M. (Virginia)

Diploma in International Arbitration (CIArb).

Fellow of the Chartered Institute of Arbitrators (FCIArb).

Panel member of ARIAS (UK).

Member of COMBAR, PNBA, TECBAR, LCLCBA, BILA.

Insights

Orascom TMT Investments S.À.R.L v. Veon Ltd [2018] EWHC 985 (Comm)

14 May 2018

The Commercial Court has recently criticised the practice that is commonly adopted for presenting challenges under sections 67 & 68 of the Arbitration Act 1996. Ben Elkington QC and Rick Liddell review the decision:

Solicitors' Practices and Subject Access Requests

3 May 2018

Following the implementation of the GDPR, subject access requests of solicitors are likely to become more common. The requests can raise a whole host of difficult issues, which can be time-consuming and costly to resolve. Ben Elkington QC and Charles Phipps of 4 New Square examine:

Jackson & Powell on Professional Liability

30 January 2017

Editor of chapter on claims against insurance brokers in the 5th, 6th, 7th and 8th editions.